

ORDINANCE NO. 23-0504-2

**AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS;  
AMENDING THE ZONING ORDINANCE BY REZONING  
PROPERTY LOCATED AT 2438 S. Foster Rd, CHINA  
GROVE, TEXAS TO AUTHORIZE *Warehousing and Storage  
Operation* AS A CONDITIONAL USE**

WHEREAS, the City of China Grove, Texas has the authority to regulate the zoning of property pursuant to Texas Local Government Code Chapter 211; and

WHEREAS, in accordance with such authority City Council adopted a Zoning Ordinance (Ordinance No. 960711); and

WHEREAS, City Council amended Ordinance No. 960711, by the passage of Ordinance No. 20-0109-1 to allow a *Warehousing and Storage* as Conditional Uses in the Class -2 Medium Intensity Land Use District; and

WHEREAS, City Council has been asked by the owner of property located at **2438 S. Foster Rd**, to rezone the property to allow a *Warehousing and Storage operation* as a conditional use at said location; and

WHEREAS, City Council provided members of the public to provide testimony and comments regarding the merits of the proposed zoning amendment and published notice of the public hearing by publication in the official city newspaper and by mailing notice as required by Texas Local Government Code Chapter 211.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHINA GROVE, TEXAS:**

**Section 1. Findings.** The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

**Section 2. Property subject to the Zoning Amendment.** The Subject Property is the property located at **2438 S. Foster Rd**, China Grove, Texas. A **legal description** of the property **is attached hereto as Exhibit "A"**. The Subject Property is currently zoned "Class-2 Medium Intensity Land Use."

**Section 3. Conditional Use Permit.** The Subject Property is hereby rezoned to Class -2 Medium Intensity Land Use - Conditional Use: **Warehousing and Storage Operation** subject to the conditions that follows:

- A. The conditional use must comply with the Updated Site Plan attached hereto as **Exhibit "B"**
- B. The building must pass a certificate of occupancy inspection.
- C. The use begins operation within three (3) years of the approval date of this Conditional Use

Permit

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**Section 4. Cumulative Clause.** This Ordinance shall be cumulative of all provisions of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**Section 5. Non-Severability.** This ordinance is not severable; and should any provision of this ordinance be found to be void or unenforceable by a court of competent jurisdiction then in such case this enter ordinance shall be void ab initio.

**Section 6. Effective Date.** This Ordinance shall be effective upon the date of adoption hereof and satisfying the conditions listed in **Section 3**. PASSED, APPROVED, AND ADOPTED on the 4th day of May, 2023.

  
Mary Ann Hajek, Mayor

ATTEST:

  
Susan Conaway  
City Secretary

EXHIBIT A  
FIELD NOTES  
FOR  
An 18.54 ACRE TRACT



An **18.54 acre** tract of land, out of the A.A. Gardenier Survey No. 56 Abstract No. 275, County Block 5126, City of China Grove, Bexar County Texas and being all of 18.54 as conveyed to Tres Sierras, Ltd. of record in Document No. 20210139226 of the Official Public Records of Bexar County, Texas and being more particularly described by metes and bounds as follows:

**Beginning** at a found Texas Department of Transportation Type II Monument, brass disc in concrete in the north right-of-way line of Rigsby Ave. also known as Highway 87, a 150 foot right of way, at the cutback with South Foster Rd, an 80 foot right of way, for the most southerly southwest corner of the 18.54 acre tract and the tract described herein;

**THENCE: N 27°32'17" W** along and with the cutback line and a southwest line of the 18.54 acre tract, a distance of **157.26** feet to a found Texas Department of Transportation Type II Monument, for a southwest corner of the 18.54 acre tract and the tract described herein;

**THENCE: N 00°04'18" W**, along and with the east right of way line of South Foster Road and the west line of the 18.54 acre tract, a distance of **880.22** feet to a point, for the southwest corner of a 11.567 acre tract conveyed to Ruben Delgado of record in Volume 8571, Page 547 of the Official Public Records of Bexar County, Texas, the northwest corner of the 18.54 acre tract and the tract described herein, from which a found ½" iron rod bears, N 39°49'51" W a distance of 0.19 feet and also a found iron pipe for the northwest corner of the 11.567 acre tract bears N00°04'18" W a distance of 344.34 feet;

**THENCE: S 75°51'12" E**, along and with the south line of the 11.567 tract and the north line of the 18.54 acre tract, a distance of **1022.32** to a found ½" iron rod, for the northwest corner of a 7 acre tract conveyed to Simon Guenther of record in Volume 5049, Page 1454 of the Official Public Records of Bexar County, Texas, the northeast corner of the 18.54 acre tract and tract described herein, from which a found ½" iron rod for the southeast corner of the 11.567 acre tract bears S76°00'54" E a distance of 442.26 feet.

**THENCE:** along and with the west lines of the 7 acre tract and the east lines of the 18.54 acre tract, the following three (3) courses:

1. **S 14°21'28" W**, a distance of **218.81** feet to a found ½" iron rod, for an easterly corner of the tract described herein,
2. **N 75°54'08" W**, a distance of **82.98** feet to a found post, for an interior corner of the tract described herein, and
3. **S 14°21'27" W**, a distance of **762.46** feet to a point in the north right of way line of Rigsby Ave, for the southwest corner of the 7 acre tract, the southeast corner of the 18.54 acre tract, and the tract described herein, from which a found ½" iron rod bears, N 08°43'47" E a distance of 0.64 feet,

**THENCE: N 74°51'47" W**, along and with the north line of Rigsby Ave and the south line of the 18.54 acre tract, a distance of **615.04** feet to the **POINT OF BEGINNING** and containing 18.54 acres more or less, in Bexar County, Texas and being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

Job No.: 22-046  
Prepared by: KFW Surveying  
Date: October 28, 2022  
File: S:\Draw 2022\22-046 Texas Enterprise, China Grove\DOCS\FN-18.54AC



Date: Apr. 27, 2023, 4:42pm User ID: gguerrero  
 File: L:\991\01\05\Design\Exhibits\CAD\230317 - Site Plan Exhibit.dwg

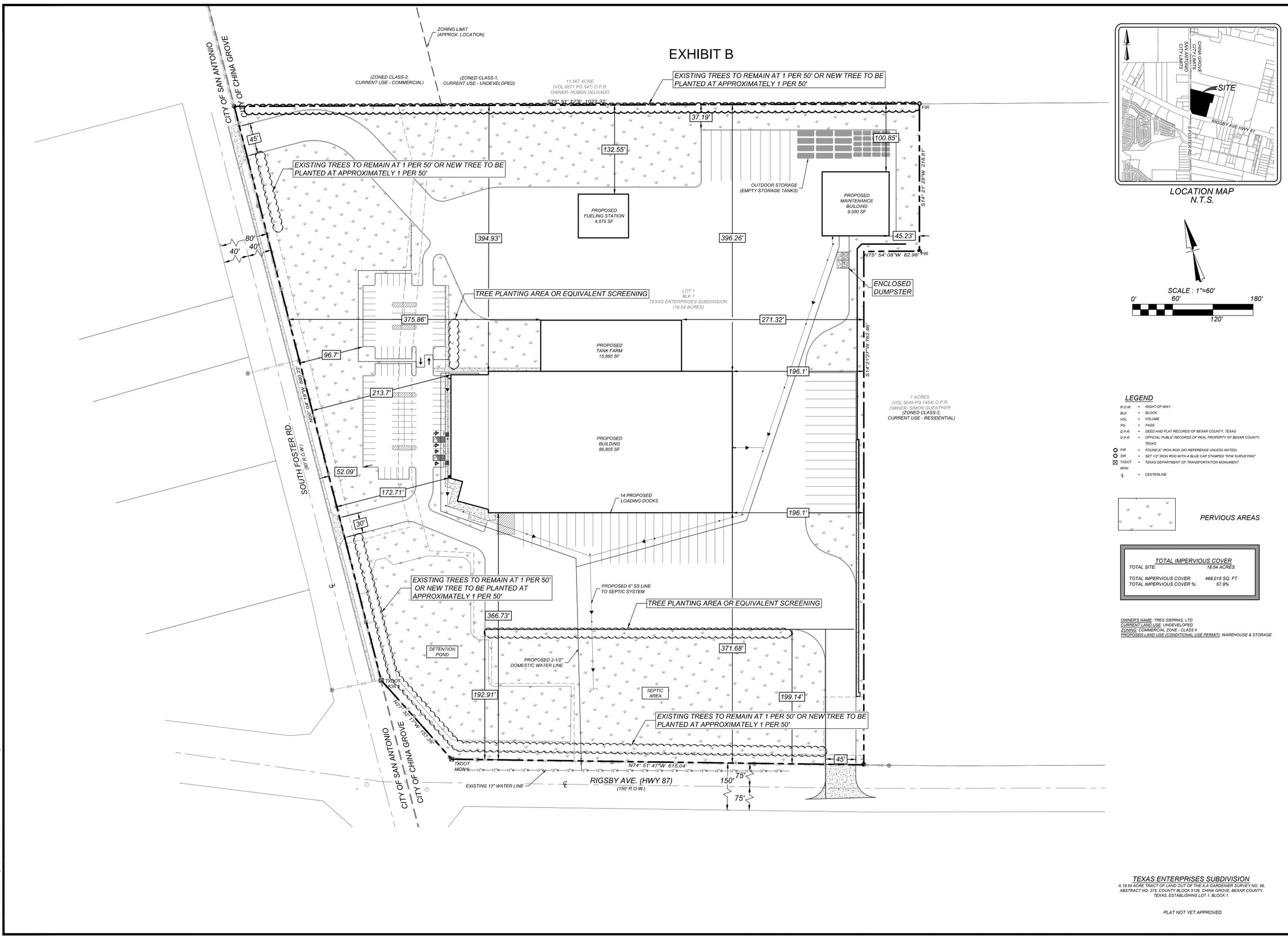
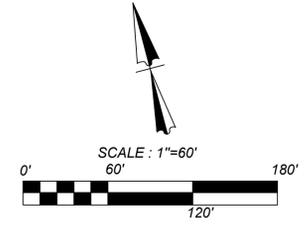
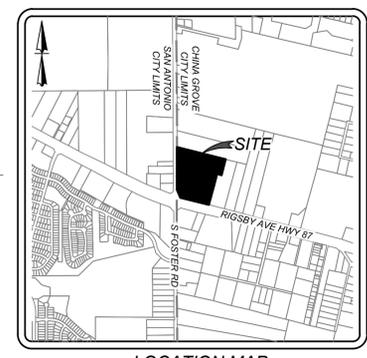


EXHIBIT B



- LEGEND**
- R.O.W. = RIGHT-OF-WAY
  - BLK = BLOCK
  - VOL = VOLUME
  - PG. = PAGE
  - D.P.R. = DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
  - O.P.R. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
  - FIR = FOUND 1/2" IRON ROD (NO REFERENCE UNLESS NOTED)
  - SIR = SET 1/2" IRON ROD WITH A BLUE CAP STAMPED "RWS SURVEYING"
  - ⊠ TXDOT = TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT
  - MON = MONUMENT
  - ε = CENTERLINE



TOTAL IMPERVIOUS COVER	
TOTAL SITE:	18.54 ACRES
TOTAL IMPERVIOUS COVER:	488,015 SQ. FT.
TOTAL IMPERVIOUS COVER %:	57.9%

OWNER'S NAME: TRES SIERRAS, LTD  
 CURRENT LAND USE: UNDEVELOPED  
 ZONING: COMMERCIAL ZONE - CLASS II  
 PROPOSED LAND USE (CONDITIONAL USE PERMIT): WAREHOUSE & STORAGE



ISSUE DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_

TEXAS ENTERPRISES DISTRIBUTION FACILITY  
 2438 S. FOSTER RD., CHINA GROVE, TEXAS 78220  
 CONDITIONAL USE PERMIT SITE PLAN EXHIBIT

JOB NO: 891-01-03  
 DATE: MARCH 20, 2023  
 DRAWN: GG CHECKED: FC  
 SHEET NUMBER: \_\_\_\_\_

EX-01

TEXAS ENTERPRISES SUBDIVISION  
 A 18.54 ACRE TRACT OF LAND OUT OF THE A.A. GARDENIER SURVEY NO. 56,  
 ABSTRACT NO. 275, COUNTY BLOCK 5126, CHINA GROVE, BEXAR COUNTY,  
 TEXAS, ESTABLISHING LOT 1, BLOCK 1.

PLAT NOT YET APPROVED